

March 5, 2024

VIA E-FILING

The Honorable J. Brendan Day
United States Magistrate Judge for the District of New Jersey
Clarkson S. Fisher Building & U.S. Courthouse
402 East State Street
Trenton, New Jersey 08608

Re: *Kara and Paul Melone v. Morgan Fertility and Reproductive Medicine f/k/a Shore Institute
for Reproductive Medicine and Shore IVF, et al*
Civil Action No. 3:23-cv-03243
Our File: 1405.0043

Dear Judge Day:

Pursuant to the Court's February 13, 2024 directive, the within letter is being submitted jointly by the parties in the above-captioned matter. As the Court may recall, on February 13, 2024, the Court held a conference with counsel to discuss Plaintiffs' request to conduct discovery while Defendants' Motions to Dismiss are pending. At the conclusion of that conference, the Court directed counsel to meet and confer on the matter, to see if an agreement could be reached, and to submit a joint update to the Court by March 6, 2024.

The parties, through their counsel, conducted a virtual conference on February 26, 2024, and have reached the following agreement: 1) Formal discovery is stayed at this time, given the pending Motions to Dismiss; 2) Counsel for the Morgan Defendants has agreed to informally produce the medical and fertility laboratory records pertaining to Kara and/or Paul Melone currently in their possession; 3) Plaintiffs have agreed to accept the aforementioned informal production at this time, in lieu of propounding formal discovery requests. Plaintiffs reserve the right to revisit the need to conduct discovery during the pendency of the Motions to Dismiss at a later date, should the Motions to Dismiss remain pending for an extended period of time. The parties further agree that, at this time, this agreement resolves the issue discussed with the Court on February 13, 2024.

Given the agreement reached by counsel, the parties do not believe there is currently a need for additional direction or intervention from the Court, and thank the Court for its time during the February 13, 2024 conference.

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Respectfully submitted,

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